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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,951	11/27/2001	John David Miller	042390.P11790	2867

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EXAMINER

PAULA, CESAR B

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/995,951	MILLER, JOHN DAVID	
	Examiner	Art Unit	
	CESAR B. PAULA	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



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DETAILED ACTION

1. This action is responsive to the amendment filed on 2/25/2005 respectively.

This action is made Final.

2. In the amendment, claims 31-32 have been added. Claims 1-32 are pending in the case. Claims 1, 9, 11, 19, 21 and 29 are independent claims.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 12/9/2002 has been entered, and considered by the examiner.

Drawings

4. The drawings filed on 11/27/2001 have been approved by the examiner.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-7, 9-17, 19-27, and 29-30 remain, and 31-32 are rejected under 35

U.S.C. 102(e) as being anticipated by DeStefano (Pat.# 6,308,187, 10/23/2001, filed 2/8/1998).

Regarding independent claim 1, DeStefano discloses presenting content from a body of knowledge, such as the retrieval of books from the Bible—*receiving a control parameter that identifies electronic in a database*. Lenses or windows are created for displaying content—*content objects*—from a body of knowledge (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10).

Furthermore, DeStefano discloses the manipulation of lenses or windows, and arranging the lenses in a 3D format for displaying content from the body of knowledge, in such a way to help a user to tell a story, such as presentation of an event according to the Gospels of the New Testament of the Bible—*arranging the content objects as a three-dimensional collage* (col. 15, lines 27-col. 16, line 67, fig. 7-10).

Regarding claim 2, which depends on claim 1, DeStefano discloses presenting content from a body of knowledge, such as the retrieval of books from the Bible—*receiving a control parameter that identifies a range and divisions to the range*. Lenses or windows—*graphics objects*—are created for displaying content from a body of knowledge which is arranged in 3D (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10).

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Furthermore, DeStefano discloses the manipulation of lenses or windows, and arranging the lenses in a 3D format for displaying content from the body of knowledge, in such a way to help a user to tell a story, such as presentation of an event according to the Gospels of the New Testament of the Bible —*positioning the content objects on the three-dimensional graphics objects* (col. 15, lines 27-col. 16, line 67, fig. 7-10).

Regarding claim 3, which depends on claim 2, DeStefano discloses presenting content from a body of knowledge, and presenting different and concurrent event sequences, such as concurrently presenting the story of the life of Jesus according to each of the four Gospels—*time range and divisions to the range comprise time slices* of the events (col. 15, lines 6-51, fig. 7-10).

Regarding claim 4, which depends on claim 2, DeStefano discloses presenting content in different formats, such as in a series of lenses along an axis, in a zigzag, and side-by-side patterns— (col. 15, lines 6-col.16, line 67, fig. 4-10).

Regarding claim 5, which depends on claim 2, DeStefano discloses presenting and arranging content in different 3D--formats, such as in a series of lenses along an axis, in a zigzag, and side-by-side patterns—*receiving layout arrangement control parameter, where the 3D graphics objects are arranged in accordance with the layout arrangement control* (col. 15, lines 41-col.16, line 20, fig. 4-10).

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Regarding claim 6, which depends on claim , DeStefano discloses presenting content, such as video, audio, etc. (col. 8, lines 26-41, col.10, lines 25-47.

Regarding claim 7, which depends on claim 1, DeStefano discloses presenting content from a body of knowledge, such as the retrieval of books from the Bible, where lenses or windows are created for displaying content from a body of knowledge which are arranged in 3D—*creating a 3D graphics environment*— (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10).

Claim 9 is directed towards a method for implementing the steps found in claim 2, except for *the content objects are dynamically animated objects that fade in and out on the three dimensional graphics objects*—which is taught by DeStefano's windows, along content (arranged according to the books of the Bible or such—*arranged according to control parameters*) are moved or shifted in and out a perpendicular plane (vertically fig.7-8)—*dynamically fade out--*, and stratified in a horizontal position (fig.10)-- *dynamically fade in--* in relation to the abstraction axis (col.16, lines 8-67), and therefore is similarly rejected.

Regarding claim 10, which depends on claim 9, DeStefano discloses presenting content from a body of knowledge, such as the retrieval of books from the Bible. Lenses or windows—*content objects*—are created for displaying content from a body of knowledge which are arranged in 3D—*receiving a control parameters that identify electronic content for the content*

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objects, identify a range and divisions to the range (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10).

Furthermore, DeStefano discloses the manipulation of lenses or windows, and arranging the lenses in a 3D format for displaying content from the body of knowledge, in such a way to help a user to tell a story, such as presentation of an event according to the Gospels of the New Testament of the Bible—*layout arrangement for the three-dimensional graphics objects* (col. 15, lines 27-col. 16, line 67, fig. 7-10).

Claims 11-17 are directed towards a method for implementing the steps found in claims 1-7 respectively, and therefore are similarly rejected.

Claims 19-20 are directed towards an article on a machine-readable medium for executing the steps found in claims 9, and 10 respectively, and therefore are similarly rejected.

Claims 21-27, and 29-30 are directed towards an apparatus for implementing the steps found in claims 1-7, 9, and 11 respectively, and therefore are similarly rejected.

Regarding claim 31, which depends on claim 1, DeStefano teaches windows in the 3D format, along its contents, (arranged according to the books of the Bible or such—*arranged according to control parameters*) that are moved or shifted in and out a perpendicular plane (vertically fig.7-8)—*dynamically fade out--*, and stratified in a horizontal position (fig.10)--*dynamically fade in--* in relation to the abstraction axis (col.16, lines 8-67). In other words, the

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windows, with their contents, are moved from one position, only to reappear in the target location as the windows are shifted or faded in or out.

Claim 32 is directed towards a method for implementing the steps found in claim 31, and therefore is similarly rejected.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 8, 18, and 28 remain rejected under 35 U.S.C. 103(a) as being unpatentable over DeStefano, in view of Dobbelaar (Pat. # 6,538,672, 3/25/2003, filed on 2/7/2000).

Regarding claim 8, which depends on claim 1, DeStefano discloses presenting content from a body of knowledge using lenses or windows—*content objects*—are created for displaying content from a body of knowledge which are arranged in 3D (col. 10, lines 25-47, and col. 15, lines 27-65, fig. 7-10). DeStefano fails to explicitly disclose: *an electronic program guide that identifies shows that are broadcast at specified time*. However, Dobbelaar teaches displaying an electronic program guide in a screen axis showing broadcast times for a particular program (abst., fig. 3). It would have been obvious to a person of ordinary skill in the art at the time of

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the invention to combine DeStefano, and Dobbelaar, because Dobbelaar teaches allowing a user to search for desired programs in a more convenient way (col. 1, lines 30-50).

Claim 18 is directed towards an article on a machine-readable medium for executing the steps found in claim 8, and therefore is similarly rejected.

Claim 28 is directed towards an apparatus for implementing the steps found in claim 8, and therefore is similarly rejected.

Response to Arguments

9. Applicant's arguments filed 4/7/2005 have been fully considered but they are not persuasive. Regarding claim 1, the Applicant remarks that DeStefano fails to teach arranging the content object in a 3D collage (page 8, parag.2). DeStefano teaches the manipulation of lenses or windows, and arranging the lenses in a 3D format for displaying content from the body of knowledge, in such a way to help a user to tell a story, such as presentation of an event according to the Gospels of the New Testament of the Bible –*arranging the content objects as a three-dimensional collage* (col. 15, lines 27-col. 16, line 67, fig. 7-10). Here the window objects are arranged in a 3D format or collage.

Regarding claims 9, 19, and 29, the Applicant indicates that DeStefano is silent as to the

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dynamic animated 3D objects, that are faded in and out (page 8, parag.3-4). DeStefano's discloses windows (arranged according to the books of the Bible or such—*arranged according to control parameters*) that are moved or shifted in and out a perpendicular plane (vertically fig.7-8)—*dynamically animated objects that fade out--*, and stratified in a horizontal position (fig.10)-- *dynamically animated objects fade in--* in relation to the abstraction axis (col.16, lines 8-67).

Claims 1-30 are rejected at least based on the reasons stated above.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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I. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cesar B. Paula whose telephone number is (571) 272-4128. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 4:00 p.m. (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong, can be reached on (571) 272-4124. However, in such a case, please allow at least one business day.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://portal.uspto.gov/external/portal/pair>. Should you have any questions about access to the Private PAIR system, please contact the Electronic Business Center (EBC) at 866 217-9197 (toll-free).

Any response to this Action should be mailed to:


Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

- (703) 703-872-9306, (for all Formal communications intended for entry)


CESAR PAULA
PRIMARY EXAMINEE
6/6/05